

Entered - 09-04-01 - sb  
CL - 01L0549 ALEXIS HOLMES

CLAIM OF: **FRANCEINE TAGUE**  
2872 Wesley Heath, NW  
Atlanta, Georgia 30327

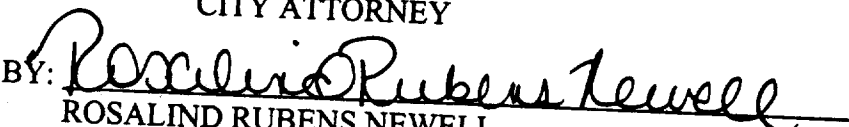
01- R-1813

For damages alleged to have been sustained as a result of paying to removing a hazardous City tree from the right away near her property on July 6, 2001 at 2872 Wesley Heath, NW.

BY PUBLIC SAFETY AND  
LEGAL ADMINISTRATION COMMITTEE:

**BE IT RESOLVED** by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **FRANCINE TAGUE** the sum of **\$1,750.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of paying to removing a hazardous City tree from the right away near her property on July 6, 2001 at 2872 Wesley Heath, NW as is more particularly set forth in the within claim; said sum taken from and charged to account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

APPROVED: SUSAN PEASE LANGFORD  
CITY ATTORNEY

BY:   
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

# DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0549

Date: 10/28/01

Claimant/Victim FRANCINE TAGUE

BY: (Atty) \_\_\_\_\_

Address: 2872 Wesley Heath, NW Atlanta, Georgia, Georgia 30327

Subrogation: Claim for Property damage \$ 1,750.00

Bodily Injury \$ \_\_\_\_\_

Date of Notice: 8/8/01

Method: Written, proper X

Improper \_\_\_\_\_

Conforms to Notice: O.C.G.A. §36-33-5 X

Ante Litem (6 Mo.) X

Date of Occurrence 7/6/01

Place: 429 Altoona Place, SW

Department PRCA

Division: Parks

Employee involved \_\_\_\_\_

Disciplinary Action: \_\_\_\_\_

**NATURE OF CLAIM:** The claimant sustained damages when she paid to have a hazardous City tree removed from the right away near her property. Also, the claimant received a report from the City's arborist on June 15, 2001 and an independent arborist stating that the tree was hazardous, and should be removed. However the hazardous situation persisted and the City failed to remove the tree, therefore the claimant had the tree removed.

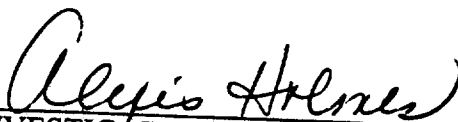
## INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant X Other \_\_\_\_\_ Written X Oral X  
 Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report X Other X  
 Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_  
 Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_


## BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial \_\_\_\_\_  
 Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other X Damages reasonable X  
 City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_  
 Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_  
 Claimant Negligent \_\_\_\_\_ City Negligent X Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
 INVESTIGATOR - ALEXIS HOLMES

## RECOMMENDATION:

Pay \$ \$1,750.00 Adverse \_\_\_\_\_ Account charged: 1A01 X 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_  
 Claims Manager:  Concur/date 10-31-01  
 Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

COUNCIL OF THE CITY OF ATLANTA  
MUNICIPAL CLERK  
City Hall  
55 Trinity Avenue, S.W.  
Atlanta, Georgia 30335

RECEIVED

AUG 08 2001

MUNICIPAL CLERK

RE: CLAIM FOR DAMAGES

Today's Date July 23, 2001

Dear Municipal Clerk:

ENTERED - 9-4-01 - SB  
01L0549 - ALEXIS HOLMES

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 1750.00 prop  
and/or \$ \_\_\_\_\_ bodily injury for which I contend the City is liable.

1. Date of incident: \_\_\_\_\_ 2. Time of Incident: \_\_\_\_\_ 3. Police called: \_\_\_\_\_ ☒ Yes ☐ No  
(month/day/ year)

4. Location of incident (including street address): 2872 WESLEY HEATH NW ATLANTA

5. Name of your insurance company: \_\_\_\_\_ Policy No. \_\_\_\_\_

6. State what and how incident occurred: \_\_\_\_\_

City workers dug three huge holes on my property and damaged the tree roots rendering the tree unusable. per the city arborist (Charles O'Chis) and an independent tree arborist.

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: \_\_\_\_\_  
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: \_\_\_\_\_  
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: \_\_\_\_\_  
(Name) (Address) (Telephone Number)

10. The acknowledgment of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Francine Tague  
Signature of Claimant

FRANCINE TAGUE  
(Print Claimant's Name)

2872 WESLEY HEATH NW  
(Address)

ATLANTA, GA. 30327  
(City, State and Zip Code)

404-355-6935  
(Work Number) (Home Number)